

May 6, 2019

Mr. Henry Leskinen  
Eco-Science Professionals Inc.  
P O Box 5006  
Glen Arm MD 21057

Re: 8905 Kelso Dr. 21221  
Grading for Storage Space  
Forest Conservation Variance  
Tracking # 06-19-2992

Dear Mr. Leskinen:

A request for a variance from the Baltimore County Forest Conservation Law was received by the Department of Environmental Protection and Sustainability (EPS) on April 23, 2019. The request proposes to base the forest conservation requirements for the referenced project on the 0.5-acre limits of disturbance rather than the entire 2.0-acre site. The proposed development project involves grading for additional storage area on the property with installation of a stormwater pipe and outfall. The commercial property with associated infrastructure existed with these uses prior to the forest conservation law. No streams, wetlands, forest buffers, forest areas, or specimen trees exist on the site.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116 (d)(1) of the Code) requires that the petitioner show that the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of his property. This commercial property was developed prior to the forest conservation law, but application of the law to the entire property would not result in unwarranted hardship to the applicant as the proposed development could be completed if required to comply with the law for the entire property. In addition, beneficial use of the property would remain with or without the development. Therefore, denying this variance request would not deprive the applicant of a reasonable use of the property and this criterion is not met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions in the neighborhood. This request for a variance is based on a situation that is unique to this existing commercial site with

Mr. Henry Leskinen  
8905 Kelso Dr. 21221  
Forest Conservation Variance  
Tracking # 06-19-2992  
May 6, 2019  
Page 2

the need to improve the uses of the property with the construction of additional storage area with storm drain improvements. The proposed development is not related to general conditions of the neighborhood. Therefore, this criterion is met.

The third criterion (Subsection 33-6-116 (d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. This commercial property is located within an industrial park with adjacent commercial uses. There will be no change in the uses or the essential character of the neighborhood as a result of the development. Therefore, the proposed uses would be compatible with the neighborhood, and this criterion is met.

The fourth criterion (Subsection 33-6-116 (e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. There are no proposed impacts to streams, wetlands, forest buffers, forest areas, or specimen trees, and the project must meet stormwater management requirements. Therefore, granting of the special variance will not adversely affect water quality and this criterion is met.

The fifth criterion (Subsection 33-6-116 (e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance which is the result of actions taken by the petitioner. The petitioner has taken no actions on the property that required this variance request. Therefore, this criterion is met.

The sixth criterion (Subsection 33-6-116 (e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Allowing the forest conservation obligation to be based on the limit of disturbance for the construction of additional storage area with storm drain improvements would be consistent with the spirit and intent of the Forest Conservation Law. This is especially true given that no impacts to forest or adverse impacts to water quality would result from the proposed development, and the current uses existed prior to the forest conservation law. Therefore, this criterion is met.

Based on our review, this Department finds that the required criteria have been met. Therefore, the requested variance is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code, with the following conditions:

1. A note must be shown on all plans stating: "A forest conservation variance was granted by the Baltimore County Department of Environmental Protection and Sustainability on May 6, 2019 to allow the forest conservation requirements for this project to be based on the limits of disturbance rather than the entire site acreage. Conditions were placed on this approval to ensure the project met the goals and objectives of the Forest Conservation Law."
2. A forest conservation plan (FCP), including a forest conservation worksheet, must be submitted, and approved by EPS prior to issuance of any permits.
3. This variance is for this activity only and does not exempt future development at this site from the Baltimore County Forest Conservation Law.

Mr. Henry Leskinen  
8905 Kelso Dr. 21221  
Forest Conservation Variance  
Tracking # 06-19-2992  
May 6, 2019  
Page 3

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Please have the property owner sign the statement at the end of this letter and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Director

DVL/pad

\*\*\*\*\*

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County Forest Conservation Law.

---

Property Owner(s) Signature(s)

Date

---

Printed Name(s)